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Corporation Counsel

**THE CITY OF NEW YORK**  
**LAW DEPARTMENT**  
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**Mark A. Benavides**  
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July 16, 2025

**By ECF**

Hon. Mary Kay Vyskocil  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 2230  
New York, NY 10007

Re: *Beaman v. Bambaa*, 24-CV-10071 (MKV)

Dear Judge Vyskocil:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel assigned to the above-referenced matter. I write pursuant to my inadvertent failure to have filed a Notice of Motion to Dismiss together with Defendants' Memorandum of Law in Support of Defendants' Motion to Dismiss filed on July 10, 2025 (ECF No. 25).

The undersigned apologizes for this inadvertent failure and respectfully requests this Court to accept for filing *nunc pro tunc* the proposed Notice of Motion to Dismiss annexed hereto as Exhibit "A," in accordance with your Honor's Scheduling Order (ECF No. 22).

Defendants respectfully submit that Plaintiff *pro-se* has consented to receive service via ECF (ECF No. 6), that the Memorandum of Law filed July 10, 2025 already contained and gave Plaintiff notice of all of Defendants' substantive motion arguments, and that Plaintiff would therefore not be prejudiced by your Honor's *nunc pro tunc* acceptance of the accompanying Notice of Motion to Dismiss the Complaint.

Respectfully,

A handwritten signature in black ink, appearing to read "M Benavides", written over a horizontal line.

Mark A. Benavides  
Assistant Corporation Counsel

cc: Shelton Beaman  
(via ECF and email)

**GRANTED. The Clerk of Court is respectfully requested to terminate the motion pending at docket entry 26.**

**SO ORDERED.**

Date: 7/16/2025  
New York, New York

A handwritten signature in black ink, appearing to read "Mary Kay Vyskocil", written over a horizontal line.

Mary Kay Vyskocil  
United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
SHELTON BEAMAN,

Plaintiff,

-against-

BAMBAA, *et al.*,

Defendants.

-----X

**DEFENDANTS' NOTICE OF  
MOTION TO DISMISS THE  
COMPLAINT**

24-CV-10071(MKV)(SLC)

**PLEASE TAKE NOTICE** that, upon Defendants' Memorandum of Law in Support of Defendants' Motion to Dismiss the Complaint, dated July 10, 2025, ECF No. 25, and all other papers and proceedings had herein, Defendants Abdul Bambaa, Teresa Duarte, Molly Parks, and the City of New York (collectively "Defendants"), by their attorney, Muriel Goode-Trufant, Corporation Counsel of the City of New York, will move this Court, before the Honorable Mary Kay Vyskocil, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, Courtroom 2230, New York, NY 10007, on a date and time to be determined by the Court, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Complaint in its entirety and granting Defendants such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to this Court's Scheduling Order (ECF No. 22), Plaintiff's opposition, if any, is due on **July 31, 2025**, and Defendants' reply, if any, is due on or before **August 7, 2025**.

Dated: New York, New York  
July 16, 2025

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By:



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Assistant Corporation Counsel